IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 15246 of 2007(M)

PETITIONER:

SMT.SUSY VARGHESE,
W/O. VARGHESE DAVID, KOIKKALETHU HOUSE,
MUNDUKOTTACKAL P.O., PATHANAMTHITTA.

BY ADV. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU

RESPONDENTS:
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1. THE PRIMARY CO-OP.AGRICULTURAL &
RURAL DEVELOPMENT BANK LTD.NO.Q.390,PATHANAMTHITTA

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, PATHANAMTHITTA.

3. THE SPECIAL SALE OFFICER,
PRIMARY CO-OPERATIVE AGRICULTURAL AND RURAL
DEVELOPMENT BANK LTD.NO.390, PATHANAMTHITTA.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR
GOVT. PLEADER SRI.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF RELEVANT PAGES OF LOAN PERMIT**
EXT.P2	**TRUE COPY OF DEMAND NOTICE DTD. 8-5-07 ISSUED BY R3**
EXT.P3	**TRUE COPY OF REPRESENTATION DTD. 10-5-07 FILED BY THE PETITIONER BEFORE R2**
EXT.P4	**PHOTOSTAT COPY OF THE AUCTION NOTICE DTD. 18-5-07**
EXT.P5	**PHOTOSTAT COPY OF THE RECEIPT ISSUED BY THE RESPONDENT DTD.19-5-07.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 15246 OF 2007

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Dated this the 2nd day of July, 2007

JUDGMENT

Petitioner availed a loan from the first respondent which he could not repay. Recovery steps have been taken which is challenged in this writ petition.

2. I heard learned counsel for the petitioner and the learned counsel for the Bank also.

3. Learned counsel for the petitioner submits that petitioner may be permitted to pay off the entire amounts in easy instalments.

The writ petition is disposed of permitting the petitioner to pay off the entire amounts remaining to be paid with due interest in nine equal monthly instalments, the first of which shall be payable on or before 02/08/2007. Petitioner is to pay the succeeding instalments on or before the 2nd of every succeeding months. The bank will serve a statement on the petitioner showing the exact amount of instalments payable by the petitioner within two weeks from today. If the petitioner does not pay any of the instalments as aforesaid, it is open to the respondent bank to proceed against the petitioner in accordance with law. If the petitioner continues to pay the instalments, proceedings will not be enforced against him.

(K.M.JOSEPH, JUDGE)

sv.

(K.M.JOSEPH, JUDGE)

SV.